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5	LINITED STATES D	ISTRICT COURT
6	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
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8	UNITED STATES OF AMERICA,	
9	Plaintiff,	CASE NO. CR13-5525 BHS
10	v.	ORDER DENYING EX PARTE STATUS
11	DAVID MICHAEL NAVARRO,	
12	Defendant.	
12 13	Defendant.	
	Defendant. This matter comes before the Court on the court of the court of the court on the court of the cou	the Government's ex parte application
13		the Government's ex parte application
13 14	This matter comes before the Court on (Dkt. 22).	the Government's ex parte application nt filed an ex parte application under the
13 14 15	This matter comes before the Court on (Dkt. 22).	nt filed an ex parte application under the
13 14 15 16	This matter comes before the Court on to (Dkt. 22). On September 20, 2013, the Government	nt filed an ex parte application under the Court held a hearing and set a briefing
13 14 15 16 17	This matter comes before the Court on a (Dkt. 22). On September 20, 2013, the Government All Writs Act. <i>Id.</i> On October 15, 2013, the Court of the Court on the Court of the	nt filed an ex parte application under the Court held a hearing and set a briefing on should proceed ex parte. Dkt. 30. On
13 14 15 16 17 18	This matter comes before the Court on to (Dkt. 22). On September 20, 2013, the Government All Writs Act. <i>Id.</i> On October 15, 2013, the Court on the issue of whether the application	nt filed an ex parte application under the Court held a hearing and set a briefing on should proceed ex parte. Dkt. 30. On morandum in support of ex parte status.
13 14 15 16 17 18 19	This matter comes before the Court on to (Dkt. 22). On September 20, 2013, the Government All Writs Act. <i>Id.</i> On October 15, 2013, the Coschedule on the issue of whether the application October 17, 2013, the Government filed a mental control of the control of the court on the court of the court on the court of the	nt filed an ex parte application under the Court held a hearing and set a briefing on should proceed ex parte. Dkt. 30. On morandum in support of ex parte status.

1 "[I]n our system, adversary procedures are the general rule and ex parte examinations are disfavored." United States v. Kenney, 911 F.2d 315, 321 (9th Cir. 2 1990). 3 4 In this case, the Government has failed to provide a sufficient reason for the Court to consider the application ex parte. The factually unsupported argument that Defendant 5 could destroy evidence contained on a phone currently in the Government's possession is 6 not persuasive; this is not an ex parte request for a search warrant. Therefore, the Government shall either unseal the application (Dkts. 22 & 23) or provide Defendant 8 with a copy. A response, if any, shall be filed no later than November 1, 2013. A reply, 9 10 if any, shall be filed no later than November 6, 2013. Dated this 25th day of October, 2013. 12 13 14 15 United States District Judge 16 17 18 19 20 22

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